

07-08-05

AF 7/10

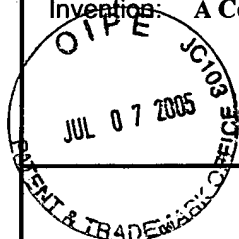
COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity)

Docket No. 01-180

In Re Application Of: Kevin A. Seiling

Application No. 10/001,730 Filing Date November 2, 2001 Examiner Kuhns, Allan R. Customer No. 30058 Group Art Unit 1732 Confirmation No. 2670

Invention: A Composition for Making Extruded Shapes and a Method for Making Such Composition



COMMISSIONER FOR PATENTS:

This is a combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of February 9, 2005 in the above-identified application.

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated February 9, 2005 finally rejecting Claim(s) 1-3, 5 and 18-28

Applicant(s) hereby request(s) an extension of time of (check desired time period):

One month Two months Three months Four months Five months

from: May 9, 2005 until: July 9, 2005

The fee for the Notice of Appeal and Extension of Time has been calculated as shown below:

07/1/2005 MWOLDGE1 00000033 10001730

01 FC:1401 02 FC:1252

500.00 OP 450.00 OP

Fee for Notice of Appeal: \$500.00 Fee for Extension of Time: \$450.00

TOTAL FEE FOR NOTICE OF APPEAL AND EXTENSION OF TIME: \$950.00

The fee for the Notice of Appeal and extension of time is to be paid as follows:

A check in the amount of \$950.00 for the Notice of Appeal and extension of time is enclosed.

Please charge Deposit Account No. in the amount of

The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 03-2026

Any additional filing fees required under 37 C.F.R. 1.16. Any patent application processing fees under 37 CFR 1.17.

If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 03-2026

Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

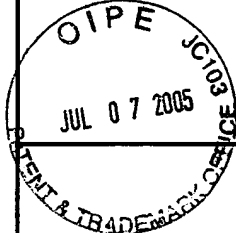
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BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR
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Docket No.
01-180

In Re Application Of: **Kevin A. Seiling**

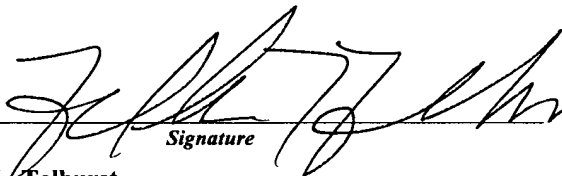
Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/001,730	November 2, 2001	Kuhns, Allan R.	30058	1732	2670

Invention: **A Composition for Making Extruded Shapes and a Method for Making Such Composition**



TO THE COMMISSIONER FOR PATENTS:

This combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:


Signature

Dated: **July 7, 2005**

Frederick L. Tolhurst
Reg. No. 28,123
Cohen & Grigsby, P.C.
11 Stanwix Street, 15th Floor
Pittsburgh, PA 15222
412-297-4900

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/001,730	
	Filing Date	November 2, 2001	
	First Named Inventor	Seiling, Kevin A.	
	Art Unit	1732	
	Examiner Name	Kuhns, Allan R.	
Total Number of Pages in This Submission	6	Attorney Docket Number	01-180

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input checked="" type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Cohen & Grigsby, P.C.		
Signature			
Printed name	Frederick L. Tolhurst		
Date	July 7, 2005	Reg. No.	28,123

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Seiling, Kevin A.

Docket No.

01-180

Application No.

10/001,730

Filing Date

November 2, 2001

Examiner

Kuhns, Allan R.

Customer No.

30058

Group Art Unit

1732

Invention:

A Composition for Making Extruded Shapes and a Method for Making Such Composition

JUL 07 2005

I hereby certify that the following correspondence:

1 Transmittal Form (1 pg); 1 Combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences & Petition for Extension of Time Under 37 C.F.R. 1.136(a) (2 pgs) in duplicate; 1 check for \$950; 1 return card

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

July 7, 2005*(Date)*Karin J. Hoover*(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)*EV 465895865 US*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**